

WEDNESDAY, JANUARY 12, 2011

SECOND ORGANIZATIONAL DAY

CALL TO ORDER

The Senate met at 9:30 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Pastor Harold Moses Love, Jr., of St. Paul A.M.E. Church in Nashville, Tennessee, a guest of Senator Harper.

PLEDGE OF ALLEGIANCE

Senator Harper led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haile, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bills Nos. 20 through 23** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 20 by Senator Southerland.

Traffic Safety -- As introduced, requires notices of citations based on surveillance cameras to include opportunity to view photographic or video evidence; exempts certain motor vehicles from such violations; and requires reporting by cities and counties operating traffic enforcement camera programs. Amends TCA Title 55, Chapter 8.

Senate Bill No. 21 by Senator Haile.

Highway Signs -- As introduced, designates "Benjamin C. "Pat" Hartman, Jr. Memorial Bridge" on State Route 386 in Sumner County.

Senate Bill No. 22 by Senator Watson.

Autopsies -- As introduced, allows parents to visit with their child prior to an autopsy being performed. The visitation must be supervised, and if the state has reasonable cause to suspect that the parent may have contributed to the death of the child, the contact will be limited. Amends TCA Title 36; Title 37; Title 38 and Title 68.

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Senate Bill No. 23 by Senator Watson.

Drugs, Over the Counter -- As introduced, increases from one to two years the time period that a pharmacy must retain a written methamphetamine precursor registry. Amends TCA Title 39, Chapter 17 and Title 53, Chapter 11.

MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bills Nos. 1 through 19** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that **Senate Bills Nos. 1 through 19** passed second consideration and were held on the Clerk's desk pending the appointment of the appropriate committees.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 11 through 14** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 11 by Senator Henry.

Memorials, Death -- Roy Skinner.

Senate Joint Resolution No. 12 by Senator Overbey.

Memorials, Death -- Major General Frederick Harwood Forster.

Senate Joint Resolution No. 13 by Senator Overbey.

Naming and Designating -- "Mesothelioma Day", September 26, 2011.

Senate Joint Resolution No. 14 by Senator Overbey.

Memorials, Professional Achievement -- Dr. Cheryl Deaton, Tennessee Teacher of the Year.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 1 through 8** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that **Senate Joint Resolutions Nos. 1 through 8** passed second consideration and were held on the Clerk's desk pending the appointment of the appropriate committees.

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MOTION

Senator Overbey moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 12**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 12 -- Memorials, Death -- Major General Frederick Harwood Forster.

On motion of Senator Overbey, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 12** was adopted.

A motion to reconsider was tabled.

NOTICE

**REPORT OF SELECT COMMITTEE TO
CANVASS RETURNS ON THE GOVERNOR'S RACE**

The report was received and filed with the Clerk.

**REPORT OF SELECT COMMITTEE TO REVIEW THE AUDITS AND OPERATIONS OF THE
COMPTROLLER OF THE TREASURY AND THE DEPARTMENT OF TREASURY**

The report was received and filed with the Clerk.

MOTION

Senator Norris moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 15**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 15 by Senator Norris.
General Assembly, Joint Conventions -- Calls joint convention on Friday, January 14, 2011, for purpose of fulfilling ethics course requirement for members of the general assembly.

On motion of Senator Norris, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 15** was adopted.

A motion to reconsider was tabled.

RECESS

Senator Norris moved that the Senate recess and repair in a body to the House Chamber to meet the House of Representatives in Joint Convention for the purpose of the election of the

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Constitutional Officers, and further moved that at the conclusion of the Joint Convention that the Senate adjourn until 9:00 a.m., Thursday, January 13, 2011, which motion prevailed.

IN JOINT CONVENTION ELECTION OF CONSTITUTIONAL OFFICERS

CALL TO ORDER

Mr. President Ramsey called the Joint Convention to order pursuant to **Senate Joint Resolution No. 9**.

ROLL CALL

Mr. President Ramsey declared a quorum was present.

On motion of Senator Norris, the roll call of the Senate was dispensed with.

On motion of Representative McCormick, the roll call of the House was dispensed with.

Mr. Russell Humphrey, Chief Clerk of the Senate, read **Senate Joint Resolution No. 9**, authorizing the Joint Convention for the election of Comptroller of the Treasury and State Treasurer.

MOTION

Senator McNally moved that the Report of the Select Committee to Review the Audits and Operations of the Comptroller of the Treasury and the Department of Treasury be adopted and spread upon the Journal, which motion prevailed.

Representative McCormick seconded the motion.

REPORT OF THE SELECT COMMITTEE TO REVIEW THE AUDITS AND OPERATIONS OF THE COMPTROLLER OF THE TREASURY AND THE DEPARTMENT OF THE TREASURY

On January 11, 2011, the select committee appointed by the Speaker of the Senate and the Speaker of the House of Representatives, pursuant to Tennessee Code Annotated, Sections 8-4-102 and 8-5-102, to review the audits and operations of the Comptroller of the Treasury and the Department of the Treasury met in Room 29 of the Legislative Plaza. The select committee was composed of Senator Mark Norris and Representative Gerald McCormick, who served as co-chairs, Senator Randy McNally, Senator Jim Kyle, Representative Charles Sargent and Representative Craig Fitzhugh. A quorum was present, Mr. Art Hayes, Director, Division of State Audit Office of the Comptroller of the Treasury, presented the following information to the committee:

1. An audit report of the Comptroller of the Treasury for the fiscal year ended June 30, 2010.
2. An audit report of the Department of the Treasury for the fiscal year ended June 30, 2009.
3. A report entitled "State of Tennessee Comptroller of the Treasury Department of Audit External Peer Review for the period 7/1/2009 through 6/30/2010" conducted under the direction of the National State Auditors Association.

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Representative McCormick moved that the committee accept the audits of the Comptroller of the Treasury and the Department of the Treasury as being properly conducted and in compliance with all laws and to report such action to the Senate and House of Representatives. Representative Sargent seconded the motion. The motion carried unanimously.

There being no further business, the committee adjourned, sine die.

/s/ Senator Mark Norris (Co-Chair)
/s/ Senator Randy McNally
/s/ Senator Jim Kyle

/s/ Representative Gerald McCormick (Co-Chair)
/s/ Representative Charles Sargent
/s/ Representative Craig Fitzhugh

MOTION

Representative Matheny moved that pursuant to **Senate Joint Resolution No. 10** the Report of the Select Committee to Canvass Returns on the Governor's Race be adopted and spread upon the Journal, which motion prevailed.

REPORT OF THE SELECT COMMITTEE TO CANVASS RETURNS ON THE GOVERNOR'S RACE PURSUANT TO SENATE JOINT RESOLUTION NO. 10

The joint committee appointed to canvass and certify the results of the November 2, 2010, general election for the office of Governor of the State of Tennessee has met and reports the following results:

Bill Haslam	1,041,545
Mike McWherter	529,851
Bayron Binkley	4,663
Brandon Dodds	4,728
Samuel David Duck	1,755
David Gatchell	859
June Griffin	2,587
Toni K. Hall	993
Mike Knois	600
Boyce T. McCall	828
Donald Ray McFolin	583
Linda Kay Perry	2,057
James Reesor	809
Thomas Smith II	1,207
Howard M. Switzer	1,887
Carl "Twofeathers" Whitaker	6,536
James Lee (write-in)	3
Basil Marceaux (write-in)	58
Gary Nugent (write-in)	0

Submitted by:

/s/ Senator Mark Norris (Co-Chair)
/s/ Senator Randy McNally
/s/ Senator Jim Kyle

/s/ Representative Judd Matheny (Co-Chair)
/s/ Representative Gerald McCormick
/s/ Representative Craig Fitzhugh

ELECTION OF COMPTROLLER OF THE TREASURY

Mr. President Ramsey declared that the next order of business was the election of the Comptroller of the Treasury, and that nominations were now in order.

Representative McCormick placed in nomination the name of the Honorable Justin P. Wilson of Davidson County.

Senator Ketron seconded the nomination of Mr. Wilson.

Senator Woodson moved that the nominations cease and the Honorable Justin P. Wilson be elected by acclamation, which motion prevailed.

Thereupon, Mr. President Ramsey declared the Honorable Justin P. Wilson duly, legally and constitutionally elected Comptroller of the Treasury for the ensuing two years.

APPOINTMENT OF SELECT COMMITTEE

Mr. President Ramsey appointed a Committee composed of Senators Henry, Johnson and Tracy; Representatives Sergeant, Gotto and McDaniel to escort Mr. Wilson to the Well.

OATH OF OFFICE

The Honorable Justice William C. Koch, Jr., of the Tennessee Supreme Court administered the oath of office to Mr. Wilson.

Mr. Comptroller Wilson made remarks.

ELECTION OF TREASURER

Mr. President Ramsey declared that the next order of business was the election of the State Treasurer and that nominations were now in order.

Senator Norris placed in nomination the name of the Honorable David H. Lillard, Jr., of Shelby County.

Representative Maggart seconded the nomination of Mr. Lillard.

Representative Sargent moved that the nominations cease and the Honorable David H. Lillard, Jr., be elected by acclamation.

Thereupon, Mr. President Ramsey declared the Honorable David H. Lillard, Jr., duly, legally and constitutionally elected State Treasurer for the ensuing two years.

APPOINTMENT OF SELECT COMMITTEE

Mr. President Ramsey appointed a Committee composed of Senators Kelsey, Ketron and Norris; Representatives Kevin Brooks, Matheny and Todd to escort Mr. Lillard to the Well.

OATH OF OFFICE

The Honorable Justice William C. Koch, Jr., of the Tennessee Supreme Court administered the oath of office to Mr. Lillard.

Mr. Treasurer Lillard made remarks.

MR. PRESIDENT RAMSEY RELINQUISHES THE CHAIR

Mr. President Ramsey relinquished the Chair to Madam Speaker Harwell as President.

DISSOLUTION OF JOINT CONVENTION

Madam President Harwell declared, pursuant to **Senate Joint Resolution No. 9**, the purpose for which the Joint Convention was assembled having been accomplished, the Joint Convention stood dissolved.

MOTION

On motion, all Senators' names were added as sponsors of **Senate Joint Resolution No. 12**.

ENGROSSED BILLS

January 12, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 12 and 15, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

January 12, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1, 2 and 3; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

January 12, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 4 and 5, adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

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ADJOURNMENT

Pursuant to Senator Norris's motion, the Senate adjourned until 9:00 a.m., Thursday, January 13, 2011.